

## REMARKS/ARGUMENTS

As an initial matter, Applicants appreciate the courtesy extended by Examiner Basquill during the telephonic interview of May 3, 2010. The §112, first paragraph rejection was discussed. The Examiner indicated that the language in the final clause of claims 1 and 2 as originally presented should obviate the rejection. The rejection is addressed further *infra*.

Applicants further appreciate the indication that claim 4 would be in a condition for allowance if rewritten in independent format including all of the limitations of the base and any intervening claims.

Claims 1-10 are pending in the application. Claims 8-10 stand withdrawn as directed to a non-elected invention. Claims 1 and 2 have been amended. Claim 7 has been cancelled without disclaimer or prejudice. No new matter has been introduced by the instant claims. Claim 7 has been cancelled by this or a previous amendment. Applicants reserve the right to pursue the subject matter cancelled in this or a subsequent application.

### **I. Rejection of claims 1-3 and 5-7 under 35 U.S.C. § 112, first paragraph**

Claims 1-3 and 5-7 stand rejected under §112, first paragraph, as failing to comply with the written description requirement.

The rejection is traversed in part.

Claims 1 and 2 have been amended to delete the language "or prodrug ester" which should obviate the rejection set forth in the paragraph spanning pages 4 and 5 of the office action.

As the office action is understood, the use of optionally substituted language in the definition of variables R1-R8 in claim 1 and R'1-R'8 in claim 2 has resulted in the allegation of insufficient written description for the claims because the definitions of the identified variables is overly broad.

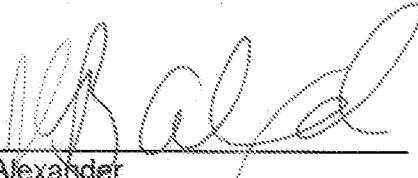
During the telephonic interview conducted today, May 3, 2010, the undersigned attorney pointed out that the scope of the optional substituents is defined in the final clause of claims 1 and 2 as originally filed. Thus, the use of "optional substituted" does not result in claims covering any

potential substitution pattern. Instead, claims 1 and 2 provide discrete Markush lists from which the optional substituents are selected. Thus, the claims as originally presented satisfy the written description requirement of §112, first paragraph.

Applicants request rejoinder of claims 8-10 upon allowance of the copending composition of matter claims.

Should the Examiner have any questions, please contact the undersigned attorney.

Respectfully submitted,



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